

AO 91 (Rev. 08/09) Criminal Complaint

Gardner

UNITED STATES DISTRICT COURT

for the

Western District of Texas

2011 NOV 21 AM 11:50

CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXASBY: *[Signature]*

United States of America

v.

William MARTIN

Case No.

*A11-m-899**Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 2010 to October 2011 in the county of Williamson in the
Western District of TEexas, the defendant(s) violated:*Code Section*

21 USC 846/841 (a)(1) & (b)(1)(B)

Offense Description

Conspiracy to manufacture and possession with intent to distribute 100 or more plants of marijuana

This criminal complaint is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.*[Signature]*

Complainant's signature

DEA TFO Dean Peterson

Printed name and title

Sworn to before me and signed in my presence.

Date: *November 21, 2011**[Signature]*

Judge's signature

City and state: Austin, Texas*Dennis G. Green*

Printed name and title

COMPLAINT AFFIDAVIT

1. In 2009, DEA Austin Agents and Texas Department of Public Safety Narcotic Agents (DPS) have been investigating a marijuana indoor grow organization that was operating in Austin, Texas; Round Rock, Texas; and Pflugerville, Texas. During this investigation, DEA and DPS Agents were identified William MARTIN as a member of the marijuana indoor grow organization.
2. During the course of investigation Agents identified 604 Quail Creek, Round Rock, Texas 78664 as Lazaro RUIZ-Ruiz' residence. Agents were provided information that a vehicle registered to Eladio CLARK was observed at 604 Quail Creek, Round Rock, Texas.
3. On October 20, 2010, TFO Peterson observed a white Nissan bearing Florida license plate 836JRQ parked in the drive way of 604 Quail Creek, Round Rock, Texas.
4. On October 22, 2011, Round Rock Police Department officer M. Flores conducted a traffic stop on the above mentioned vehicle. During the traffic stop of the vehicle Officer Flores identified the driver by his Texas driver license of the vehicle as William MARTIN. Officer Flores received consent to search the vehicle. During the search of the vehicle Officer Flores found a business card for Texas Hydroponics (a known location used by individuals to obtain items for indoor marijuana grows), mail addressed to RUIZ at 119 County Road 969, Freestone County, Texas; mail addressed to MARTIN at 119 County Road 969, Wortham, Texas; and a hand written MLS list with several address in the Pflugerville, Round Rock area.
5. On October 23, 2011, agents conducted surveillance located the Nissan at 604 Quail Creek, Round Rock, Texas. TFO Peterson observed MARTIN leave in the Nissan and travel to 12118 Walnut Park, Austin, Texas (Limestone Canyon Apartments). TFO Peterson observed MARTIN meet with Eladio CLARK (Lead maintenance Limestone Canyon Apartments), who was arrested and convicted on Federal charges in connection with the marijuana grow operation.
6. On December 21, 2010, Pflugerville PD Officers were investigating a burglar ring that had committed several residential burglaries in the Pflugerville, Texas area. On the same day, Pflugerville Officers subsequently arrested 2 individuals who committed a burglary at 1203 Disraeli, Pflugerville, Texas. Pflugerville Officers then walked to the back of the residence and observed the burglar had kicked in the back door at which time the officers made entry to be sure there were no other burglars inside and that the owner of the residence had not been hurt. While Pflugerville Officers were conducting a protective sweep of the residence, they discovered an indoor marijuana grow in the garage of 1203 Disraeli. Pflugerville Officers immediately retreated from the residence and obtained a state search warrant for the

residence. DEA and DPS Agents were eventually contacted by Pflugerville PD about the finding of the indoor marijuana grow and Agents later arrived at the location to assist.

6. Later in the afternoon, Pflugerville Officers and DEA Agents executed the state search warrant at 1203 Disraeli, which revealed in the garage 32 marijuana plants (approximately 5 feet tall) contained in large black pots, grow lamps wired in the ceiling, and a well constructed ventilation system also fixed into the ceiling. An additional 40 smaller marijuana plants were seized from an upstairs bedroom closet, which had a grow lamp fixed inside it.

7. While Pflugerville Officers and Agents were processing the marijuana plants at 1203 Disraeli, Round Rock Narcotic Officers and DPS Agents had K-9 trained narcotic dogs conduct free air sniffs at 604 Quail Creek, Round Rock, Texas (Home of RUIZ) and 1425 Tuffit Lane, Austin, Texas (home of Heber MORALES). Each K-9 alerted to their respective residence for the presence of narcotics. Based upon the K-9 alerts, Round Rock Officers obtained a state search warrant for 604 Quail Creek and DPS Agents obtained a state search warrant for 1425 Tuffit Lane.

8. Round Rock Officers subsequently executed the state search warrant at 604 Quail Creek, Round Rock, Texas which revealed approximately 4 pounds of hydro marijuana in the upstairs bedroom and approximately 20 pounds of hydro marijuana in the garage, which had been cut from the plants and hung to dry on a wire line. The garage was also configured in the exact same manner as the 1203 Disraeli residence, which had the exact same grow lamps fixed in the ceiling and the same ventilation system. Agents and Round Rock Officers also observed several large pots with dirt inside them in the garage and fans blowing on the marijuana that was hanging on the wire line to dry out for later distribution. Also found was a rental application for 3821 Juliannas Way, Round Rock, Texas with the applicant name of William MARTIN.

9. DPS Agents executed the state search warrant at 1425 Tuffit Lane, which revealed in the garage 34 marijuana plants (approximately 5 feet tall). Agents found the 1425 Tuffit Lane garage to be configured exactly like 1203 Disraeli and 604 Quail Creek residences. All the pots that held the marijuana and the grow lamps fixed into the ceiling were identical to the other locations. MORALES was later read his Miranda warning and he stated the marijuana was all his. Agents and Officers seized from the three residences a total of 106 marijuana plants and approximately 24 pounds of dried hydro marijuana.

10. Based on previous surveillance of MARTIN and the seizure of marijuana seized during the investigation Agents requested the assistance of Round Rock PD Detective T. Stevenson and his NNDDA certified K-9 to do a free air sniff around the areas of the residence that are generally accessible to the public. Detective Stevenson told me that his K-9 alerted to the presence of the above mentioned narcotics on the front door and the area of the garage door. TFO Peterson prepared a State Search warrant for 3821 Juliannas Way, Round Rock, Texas. TFO

Peterson presented the search warrant before Round Rock Municipal Court Judge Dan McNery. Judge McNery signed a State search warrant. At approximately 4:00 p.m., members of Round Rock PD narcotics unit and SA Johnston and TFO Peterson executed the state search. During the search of the residence Agents and Detectives found marijuana grow paraphernalia similar to those at 604 Quail Creek, Round Rock, Texas; 1203 Disraeli, Pflugerville, Texas; 1425 Tuffit, Austin, Texas which were found during the execution of search warrants on December 21, 2011. MARTIN was not at the residence at the time the warrant was served but arrived at approximately 5:00 p.m.